



Docket No.: 220084US2

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 10/084,485
Applicants: Tomohiro NAKAJIMA
Filing Date: February 28, 2002
For: OPTICAL SCANNING MODULE, DEVICE, AND
METHOD, AND IMAGING APPARATUS
Group Art Unit: 2625
Examiner: GIBBS, HEATHER D.

SIR:

Attached hereto for filing are the following papers:

PROVISIONAL ELECTION OF SPECIES

Our credit card payment form in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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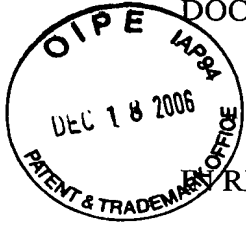
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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

RE APPLICATION OF

TOMOHIRO NAKAJIMA

SERIAL NO: 10/084,485

FILED: FEBRUARY 28, 2002

FOR: OPTICAL SCANNING MODULE,
DEVICE, AND METHOD, AND
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: EXAMINER: GIBBS, HEATHER D.

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PROVISIONAL ELECTION OF SPECIES

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SIR:

In response to the restriction requirement dated November 16, 2006, Applicant provisionally elects with traverse Group I, Claims 1-48, 60-70, 92-96 and 97-101, drawn to an image reading apparatus, wherein a frequency varies in accordance with a primary scan position, classified in class 358 and subclass 449, for further examination on the merits.

The Applicant respectfully traverses the election requirement.

Applicant respectfully submits that Claims 49 and 102 should also be included in Group I for at least the following reasons.

Independent Claims 1, 13, and 25 form the basis of Group I.

Claim 1 recites, *inter alia*, "a frequency of pixel information supplied to said light-emission source varies in accordance with a primary scanning position of each of pixels."

Claim 13 recites, *inter alia*, "a frequency causing said light-emission source to emit light based on pixel information varies in accordance with a primary scanning position."

Claim 25 recites, *inter alia*, “a variable frequency setting part varying, in accordance with an amplitude of said movable mirror, a frequency causing said light-emission source to emit light based on pixel information.”

Claims 2-7, which depend on independent Claim 1, are presently included in Group I. Likewise, Claims 14-24, which depend from independent Claim 13 and correspond to dependent Claims 2-7, are presently included in Group I; and Claims 26-36, which depend from Claim 25 and correspond to Claims 2-7, are presently included in Group I.

However, although Claims 49, 60, and 71 each recite an optical scanning device respectively including the above recited features of Claims 1, 13, and 25, Claims 60 and 71 are presently included in Group I while Claim 49 is excluded. Applicant respectfully submits that Claim 49 should be included in Group I with Claims 60 and 71, for the same reasons Claims 1, 13, and 25 are part of the same group.

Further, Claims 92, 97, and 102 each recite an image forming apparatus that includes the features of an optical scanning device as respectively recited in Claims 49, 60, and 71, with the additional feature of “an electrostatic image is formed on an image holding body by dividing an image region thereon in the primary scanning direction of each of said optical scanning modules and is made visible by toner to be transferred onto an output sheet of paper.” However, Claims 92 and 97 are presently included in Group I while Claim 102 is excluded. Applicant respectfully submits that Claim 102 should be included in Group I with Claims 92 and 97, for the same reasons Claims 1, 13, and 25 are part of the same group.

Additionally, MPEP § 803 states:

If the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions.

The claims of the present invention would appear to be part of an overlapping search area.

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Reply to Office Action of November 16, 2006

Accordingly, the Applicants respectfully traverse the outstanding Election requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Therefore, it is respectfully requested that the requirement to elect a single species be withdrawn, and that a full examination on the merits of Claims 1-130 be conducted.

Respectfully submitted,

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